

09CV3401

JUDGE ZAGEL

MAGISTRATE JUDGE BROWN

AO

# Exhibit 1

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

Rick A. Hansen

Plaintiff,

vs.

American Honda Finance Corporation

Defendant

Case No.: 08 L 50954

FILED-9  
2009 APR 30 PM 2:09  
CLERK OF CIRCUIT COURT  
LAW DIVISION

MOTION FOR LEAVE TO FILE AMENDMENT TO COMPLAINT

NOW COMES the Plaintiff, by his attorneys, pursuant to Sections 2-609 and 2-616 of the Code of Civil Procedure, and respectfully requests that this Court enter an order allowing the Plaintiff to file an Amendment to Complaint adding new causes of action.

In support thereof, Plaintiff states as follows:

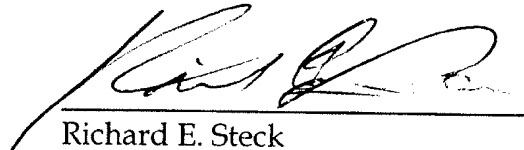
1. The original complaint contains claims for replevin and conversion.
2. Since the filing of the original complaint, Plaintiff learned that the Defendant, in connection with the wrongful repossession of his leased vehicle, furnished credit reporting agencies with information that was not complete and not accurate, and then failed to correct its report with complete and accurate information, contrary to federal statutes and to the detriment of his credit standing, causing a reduction in this credit score and unfavorable action with respect

to loan applications and other financial dealings, damaging him in the sum of many hundreds of thousands of dollars.

3. A copy of the proposed Amendment to Complaint is attached hereto.
4. The matters alleged therein are directly related to the pending claims and should be heard with them as a matter of fairness, justice and judicial economy.

WHEREFORE, Plaintiff prays for leave to file his Amendment to Complaint.

Dated: April 30, 2009



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Richard E. Steck  
Attorney for Plaintiff

Richard E. Steck, P.C.  
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Chicago, Illinois 60603  
(312) 236-4200

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

Rick A. Hansen	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: 08 L 50954
	)	
American Honda Finance Corporation	)	
	)	
Defendant	)	
	)	
	)	
	)	

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AMENDMENT TO COMPLAINT

The Plaintiff, Rick A. Hansen, by counsel, in complaining of the Defendant, American Honda Finance Corporation, states as follows:

COUNT III – NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT

1. The Plaintiff, Rick A. Hansen, is an individual, who entered into a lease, a copy of which is attached to the original complaint herein as Exhibit A, of the following property: An automobile known as a 2007 Acura MDX, VIN #2HNYD28297H539810.
2. The Defendant, American Honda Finance Company (Honda), a corporation, is the successor to the lessor under the lease.
3. Honda, the Defendant, regularly and in the ordinary course of its business furnishes information to one or more consumer reporting agencies about individuals with whom Honda engages in transactions or has other experiences,

and by reason thereof is required to comply with the provisions of 15 USC 1681s-2 (B).

4. On or about September 9, 2008, and on a number of occasions thereafter, the number and date of which is unknown to Plaintiff, Honda reported information regarding the Plaintiff to one or more consumer reporting agencies.
5. The initial information reported by Honda was not complete or accurate, in that it contained, expressly or by implication, erroneous information that Plaintiff had violated a statute or ordinance and that Honda had repossessed the subject vehicle.
6. Thereafter, Honda knew that it had not completed a repossession of the vehicle, but had instead returned it to Plaintiff, and Honda learned Plaintiff had not been found to have violated any statute or ordinance.
7. Honda nevertheless failed to correct the information given by it to credit reporting agencies so as to make the entire information provided complete and accurate, and Honda thereafter furnished continued to furnish credit reporting agencies with information not complete or accurate.
8. Honda, in giving erroneous, incomplete and inaccurate information to credit reporting agencies, and by failing to correct the incomplete and inaccurate information, acted negligently, within the meaning of 15 USC 1681o.
9. As a direct and proximate result thereof, Plaintiff suffered actual damages to his credit scores and a consequent reduction in the available of credit to him, and an increase in the cost of such credit as remained available to him.

10. By reason of the foregoing, pursuant to 15 USC 1681o, Plaintiff is entitled to his actual damages caused him by negligence in credit reporting, together with an award of his attorney's fees and costs herein.

WHEREFORE, Plaintiff prays for an award of compensatory damages in excess of \$50,000.00, together with an award of his attorney's fees and costs herein.

COUNT IV – WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT

11. Plaintiff re-alleges paragraphs 1-7 of Count III of his Amendment to the Complaint, as paragraph 11 of this Count IV.
12. Honda, in giving erroneous, incomplete and inaccurate information to credit reporting agencies, and by failing to correct the incomplete and inaccurate information, acted willfully, within the meaning of 15 USC 1681n.
13. As a direct and proximate result thereof, Plaintiff suffered actual damages to his credit scores and a consequent reduction in the available of credit to him, and an increase in the cost of such credit as remained available to him.
14. By reason of the foregoing, pursuant to 15 USC 1681n, Plaintiff is entitled to nominal damages of between \$100.00 and \$1000.00 as the court sees fit, his actual damages caused him by willfulness in credit reporting, and an award of punitive damages, together with an award of his attorney's fees and costs herein.

WHEREFORE, Plaintiff prays for an award of nominal damages in the sum of \$1000.00, compensatory damages in excess of \$50,000.00, punitive and exemplary damages in the amount of \$500,000.00, together with an award of his attorney's fees and costs herein.

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Richard E. Steck  
Attorney for Plaintiff

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Verification by Certification

I certify, under penalties prescribed pursuant to Section 1-109 of the Code of Civil Procedure, that the facts set forth in the above and foregoing complaint are true.